

Appl. No. : 10/036,298
Filed : December 28, 2001

REMARKS

Claims 1-30 remain pending in the present application. In the February 9, 2005 Office Action, the Examiner rejected Claims 1-30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,658,568 to Ginter et al. The drawings were objected to.

Discussion of the Objections to the Drawings

The Examiner has objected to replacement Figures 5B-5K for failing to include a "Replacement Sheet" label. In response, replacement Figures 5B-5K are being submitted herewith with a "Replacement Sheet" label. No new matter has been added thereby. Applicant therefore respectfully requests that the drawing objections be withdrawn.

Discussion of the Rejection under 35 U.S.C. § 102(e)

As an initial matter, Applicant would like thank Examiner Lewis for the courtesy extended to Applicant's representative, David Weiss, during the interview. As discussed in the interview, Claim 1 relates to a method of defining a media rights hierarchy data structure. By contrast, U.S. Patent No. 6,658,568 to Ginter et al. is related to an administrative and support service system architecture hierarchy, rather than a hierarchy data structure. For example, Ginter discloses, at col. 25, lines 25-41:

"FIG. 8A shows that Commerce Utility Systems 90 or functions can be arranged in a hierarchy. For example, an overall financial (or other) clearinghouse 200(N) *may oversee and/or have ultimate responsibility for the operations of numerous other financial (or other) sub-clearinghouses 200(1), 200(2), . . .* In the FIG. 8A example, a consumer electronic appliance 100 might interact with a clearinghouse 200(1), which might in turn interact with another clearinghouse 200(2), etc. This *administrative and support service "hierarchy" might be thought of as being similar in some ways to a chain of command in a large corporation or in the military--with some clearinghouses exercising and/or delegating power, control and/or supervision over other clearinghouses.*" (emphasis added)

Therefore, with respect to amended Claim 1, Ginter does not disclose or suggest the invention as claimed.

Similarly, Ginter does not teach or suggest the invention as claimed in amended independent Claims 16, 25, and 30.

In view of the foregoing remarks, Applicant respectfully submits independent Claims 1, 16, 25, and 30 as amended are patentably distinct over the cited art and are in condition for allowance.

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Claims 2-15, 17-24, and 26-29, which depend from and further define Claims 1, 16, 25 and 30, are likewise patentably distinct over the cited art and are in condition for allowance. Applicant therefore respectfully requests allowance of Claims 1-30.

Request for Telephone Interview

If there are any issues that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the number set forth below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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